

## **REMARKS**

### **Claims**

Applicant has amended independent claim 1 to include language stating that content is displayed “using a web browser.” The quoted language finds support in the disclosure at page 3, lines 12-20 of the specification, among other places. Applicant has added language similar to the quoted language to the other independent claims, i.e., claims 12, 14, and 16.

Additionally, Applicant has made a technical amendment to claim 19.

Applicant has canceled no claims and added no new claims in this response. Consequently, claims 1-12 and 14-21 remain pending in the prosecution.

### **Informalities**

The Examiner has stated that: “Formal Drawings are required to be submitted by the applicant.” Applicant respectfully disagrees. According to MPEP 608.02(b):

The Office no longer considers drawings as formal or informal. Drawings are either acceptable or not acceptable. Drawings will be accepted by the Office of Patent Application Processing (OPAP) if the drawings are readable and reproducible for publication purposes.

Applicant believes that the documents submitted as replacement drawings on July 6, 2001, are acceptable within the meaning of MPEP 608.02(b).

Additionally, the Examiner has objected to an informality in claim 19, which Applicant has remedied through amendment.

### **Rejections Based on Non-Statutory Subject Matter**

Claims 16-21 are rejected, under 35 U.S.C. 101, as being allegedly directed to non-statutory subject matter. The basis for the Examiner’s rejection is that the claims do not explicitly state that the claimed computer-readable storage medium is “non-transitory”.

Applicant traverses this rejection, noting that the claims describe a computer-readable storage medium that “persistently stores” an executable program. Applicant believes that a person of ordinary skill in the art would understand this description to mean that the computer-readable storage medium is “non-transitory” within the meaning of the Director’s notice on *Subject Matter Eligibility of Computer Readable Media*.<sup>1</sup> See MPEP 2111. Magic words are not required. In this regard, see the Federal Circuit’s recent decision in *Research Corp. Technologies v. Microsoft Corp.*, 627 F.3d 859 (Fed. Cir. 2010).<sup>2</sup>

### **Rejections Based on Obviousness**

#### **Claims 1-5 and 7-12**

The Examiner has rejected claims 1-5 and 7-12, under 35 U.S.C. 103(a), as allegedly being obvious over U.S. Patent Application No. 6,321,231 to Jebens et al. (hereafter “Jebens”) in view of U.S. Patent No. 6,671,757 to Multer et al. (hereafter “Multer”).

When an obviousness rejection is made on the basis of an alleged combination of prior art elements according to known methods to yield predictable results, an examiner must find that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference. See MPEP 2143(A). Applicant believes that such a finding cannot be made with respect to the rejected claims.

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<sup>1</sup> Downloadable here: [http://www.uspto.gov/patents/law/notices/101\\_crm\\_20100127.pdf](http://www.uspto.gov/patents/law/notices/101_crm_20100127.pdf).

<sup>2</sup> Downloadable here: <http://www.cafc.uscourts.gov/images/stories/opinions-orders/10-1037.pdf>.

As noted above, independent claims 1 and 12 now include language stating that content is displayed “using a web browser.” According to the specification at page 3, lines 12-20:

...As known to those skilled in the art, a browser is an application program that provides a method to look at and interact with information contained on the WEB. The Web browser is typically a client program that uses Hypertext Transfer Protocol (HTTP) that enables the browser user to make requests to WEB servers connected to the Internet. Two conventional WEB browsers that are widely used today are the Netscape Navigator and the Microsoft Internet Explorer.

It will be appreciated that this description of a “web browser” is consistent with the well-known meaning of the term in the art.

To meet language previously presented in claims 1 and 12 regarding “using a browser” (as opposed to a “web browser”), the Examiner cited Jebens at (1) column 5, lines 2-23 and (2) column 12, lines 11-44. As noted in Applicant’s last response, column 5 of Jebens does not expressly or inherently teach using a browser on a portable device to display stored digital content when the portable device is not connected to a network.

Turning to Jebens at column 2, the cited lines read as follows:

After logging this activity, the internet server 24 enters a loop illustrated by blocks 112, 116, 120, 126 and 130, in FIGS. 3A and 3B. In this loop, the system waits for the user to enter an input indicating that certain **browser activities** are to be performed (block 112); a job order is to be developed (block 116); administrative activities are to be performed (block 120); or that the user wishes to log out (block 126). Preferably, this arrangement is affected by means of the graphical user interface discussed above. Particularly, the “**browse**”, “order”, “administrative”, and “logout” inputs are preferably displayed as choices on the user’s screen. By selecting one of these inputs, the user will preferably be given access to pull-down menus which provide further options and facilitate easy communication with the system 10.

Assuming for purposes of explanation that the user selects the **browse category** displayed on the graphical user interface (through a mouse or other conventional input device) (block 112), the internet server 24 of the database

management system will enter the **browse routine** (block 114). Upon entering the **browse routine**, the system 10 preferably displays a pull-down menu to the user listing possible actions to be performed. One of the actions listed on the menu is preferably a search request. If the user selects the search request from the menu (block 400, FIG. 7A), the system 10 will request the user to enter search parameters. Upon receipt of the search criteria, the internet server 24 will then search the user-specified fields in the item records belonging to the authorizing image provided user 14 and compile a set of digital data that meets the search criteria (block 404). As shown in FIG. 7A, the system 10 then provides the user with an indication that the search has been completed (block 406), and sets a search flag (block 408) indicating that search results are pending. (emphasis added)

Accordingly, Jebens discloses a menu widget that is a component of a graphical user interface (GUI). A menu widget, as disclosed by Jebens, differs from a “web browser,” as claimed. A web browser is an application program, whereas a menu widget is a means for entering a user command in a GUI.

Multer does not remedy this failure of Jebens with respect to Claim 1. The cited lines from Multer discuss a sync engine for synching data between Internet devices. They do not teach rendering digital content using a web browser on a portable device that is not connected to a network. Accordingly, they fail to teach or suggest a web browser, as claimed.

Accordingly, Jebens alone or in combination with Multer fails to render Claim 1 obvious, under 35 U.S.C. §103(a). Independent Claim 12 recites a web browser and is patentable over the cited combination for similar reasons that Claim 1 is patentable. The dependent claims of Claims 1 and 12 are patentable by virtue of their dependency. As such, allowance of Claims 1-5 and 7-12 is earnestly solicited.

Additionally, dependent claim 7 recites that the portable apparatus “is operable to increase a size of a client window for the browser.” To meet this language, the Examiner relies on Jebens at column 5, lines 23-53. The cited lines discuss image size and resolution. They do not teach GUI windows in a browser.

Therefore, for this additional reason, Applicant believes that dependent claim 7 is allowable.

#### **Claim 6**

Claim 6 is rejected, under 35 U.S.C. 103(a), as allegedly being obvious over Jebens in view of Multer and U.S. Patent No. 6,275,746 to Leatherman et al. (hereafter “Leatherman”). Claim 6 depends from Claim 1. The cited lines from Leatherman discuss a fuel dispenser that connects to the Internet. They do not teach using a browser on a portable device to display stored digital content offline. Therefore, they fail to remedy the above-described failure of Jebens in view of Multer. As such, Claim 6 is patentable over the cited combination by virtue of its dependency.

#### **Claims 14-20**

Claims 14-20 are rejected under 35 U.S.C. 103(a), as allegedly being obvious over Jebens in view of Multer and U.S. Patent No. 6,170,074 to Kondo et al. (hereafter “Kondo”). Independent Claims 14 and 16 both recite a web browser similar to independent Claim 1. The cited lines from Kondo discuss encoding for high-definition television. They do not teach using a browser on a portable device to display stored digital content offline. Therefore, they fail to remedy the above-described failure of Jebens in view of Multer. Accordingly, Jebens alone or in combination with Multer and Kondo fails to render independent Claims 14 and 16 obvious, under 35 U.S.C. §103(a). The dependent claims of Claims 14 and 16 are patentable by virtue of their dependency. As such, allowance of Claims 14-20 is earnestly solicited.

#### **Conclusion**

Based on the foregoing, Applicant believes that the combination of references cited by the Examiner does not teach each of the elements of any of the amended

claims and therefore does not render any of the amended claims obvious. Further, Applicant believes that each of the claims is now allowable and requests a notice allowing them. If the Examiner has any questions concerning the present response, the Examiner is requested to contact the undersigned at the telephone number set forth below.

Dated: June 24, 2011

Respectfully submitted,  
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